

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

REBECCA EBAUGH	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	Case No.: 20-cv-00663-ADC
MAYOR & CITY COUNCIL OF BALTIMORE, <i>et al.</i>	:	
	:	
Defendants.	:	


CITY DEFENDANTS' PARTIAL MOTION TO DISMISS THE COMPLAINT

The Mayor and City Council of Baltimore, the Baltimore City Department of Parks and Recreation, Reginald Moore, and Ciara Harris (collectively referred to as “Defendants”) by and through counsel, pursuant to FED R. CIV. P. 12(b)(6) hereby moves this Honorable Court to partially dismiss the Complaint against them for the following reasons:

1. The Baltimore City Department of Parks and Recreation is not an entity that can sue or be sued.
2. Federal Law and the Maryland Fair Employment Practice Laws do not authorize suits against individuals.
3. Plaintiff failed to exhaust administrative remedies regarding her claims of discrimination and disparate treatment based on age, race, and sex.
4. Plaintiff failed to state a claim for which relief can be granted under the ADA because the statute does not provide a cause of action for age, race, or sex discrimination.
5. No punitive damages can be imposed against government defendants, even if Plaintiff’s claims are viable.

6. The attached Memorandum of Law supports this Motion.

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that on this 31st day of May, 2020, the foregoing Partial Motion to Dismiss the Complaint and the accompanying Memorandum of Law were filed in accordance with the Electronic Filing Requirements and Procedures as established by the U.S. District Court for the District of Maryland.



Gary Gilkey